

**VOSHA REVIEW BOARD SPECIAL MEETING MINUTES**  
**6 Baldwin Street, Montpelier, VT 05633**

**May 22, 2024**

The VOSHA Review Board (VRB) Meeting began at 8:37 A.M. and was attended by Gary McQuesten (Chair), Benjamin R. O'Brien, Mark J. Gregoritsch, and Carolyn Desch (VRB Clerk). Hearing Officers Curtis Carpenter and Alan Rome joined the meeting between 8:45 A.M. and 9:10 A.M. in person and via Microsoft Teams Video Conference Bridge respectively.

#### ADDITIONS OR DELETIONS TO THE AGENDA

The date of the agenda was changed from February 13, 2024 to May 22, 2024.

#### APPROVAL OF MINUTES

After discussion and upon motion made by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Board unanimously voted to approve the February 13, 2024, Review Board Meeting Minutes – PASSED.

#### BUDGET DISCUSSION

The Clerk summarized the fiscal year 24 budget as expenses being currently under budget including additions to hearing officer costs in April and May. Also noted was the fact that per diem raises were not included in the fiscal year 25 budget by the Governor.

#### CONTRACTS

Attachment C: Standard State Provisions for Contracts and Grants is attached by reference to the Standard Contract for Services. The Board Chair and Clerk shared information about a meeting they had with Assistant Attorney General Jesse Moorman about whether the paragraph 7 of the Defense and Indemnity clause under Attachment C could be waived. Attorney Moorman said that waiving such section is up to the agency involved in the contract, however waiving it should not be taken lightly. However, he said that each Agency should determine what level of risk there is in waiving such section and include such waiver in an additional attachment to the contract. (Also see the May 2024 Clerk's Report)

Vermont State Insurance Specification is attached by reference to Attachment C. It lists the many types of insurance that would likely be needed by a contracted employees and businesses of the State of Vermont. Attorney Moorman agreed that Rebecca White is the final determiner as the Director of Risk Management and that any waivers would need to be approved by her and, again, be included in an additional attachment. (Also see the May 2024 Clerk's Report)

As to the questions posed in the Clerk's Memorandum "VRB Hearing Officer Qualifications" dated May 15, 2024, Attorney Moorman who reviewed the memo checked in with his colleagues and they all agreed that a Hearing Officer for the State of Vermont does not need to be a licensed attorney.

#### HEARING GUIDELINES

The Review Board and Hearing Officers all agreed that hearings should be expected to be held in-person, however, parties may motion the Hearing officer to rule differently on that expectation. The Clerk will change the attached "Remote Video Hearing Guidelines" (referenced in the Clerk's Report) to be "Hearing Guidelines" and provide a revised version to the Review Board at

its next meeting.

#### DOCKET REVIEW

The Board reviewed the information detailed in the Clerk's Report, Docket Summary, and Case Tracking Sheet. It was noted that the cases without assigned hearing officers are still very new to the process but will be assigned when early pleadings and documents have been exchanged. In addition, Review Board member Mark Gregoritsch said that he would need to recuse himself on matters related to PC Construction, due to a conflict of interest with his workplace.

#### RECORDS RETENTION AND ELECTRONIC FILE PRESERVATION UPDATE

The Clerk updated the Board of the status of electronic preservation both verbally and through the Clerk's report.

#### SET THE NEXT BOARD MEETING DATE:

The Board agreed to set the next meeting for Tuesday, August 27, 2024, at 8:30 A.M.

#### ADJOURN

Upon motion by Benjamin R. O'Brien and seconded by Mark J. Gregoritsch, the Review Board unanimously voted to adjourn the meeting at 9:27 A.M. – PASSED.